REMARKS

By the present amendment, claims are renumbered herein, pursuant to the Examiner's request, such that formerly numbered claims 23-44 are amended herein to be renumbered as claims 25-46, respectively. Claims 25-46 are pending in the application. Re-examination and reconsideration of the application, as amended, are requested.

Claims 25-46 have been rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. This rejection is respectfully traversed, in view of the following remarks.

As described in more detail below, the Takahashi patent (U.S. Patent No. 5,537,528) neither described nor suggested the method recited in claim 25 (formerly numbered 23). While it is believed that the claim was already distinguished from Takahashi, for purposes of expediting the prosecution of the present application (and without prejudice to seeking broader coverage in a divisional or other subsequent application), claim 25 is further amended herein to yet further distinguish the claim over the Takahashi patent.

Claim 25 (formerly numbered 23) is patentably distinguished over Takahashi in several manners. For example, Takahashi neither describes nor suggests generating a programme by selecting at least one classification code and presenting at least one programme element associated with the selected classification code(s), (where selecting comprises displaying user selectable symbols, where each symbol represents a class of an associated programme element).

Takahashi's 'X' symbols displayed in the area 37 are not symbols that represent a class of associated programme elements. Indeed, Takahashi's 'Xs' themselves do not represent anything but "Xs". The only information provided by the "X" symbols is by virtue of the position of the "Xs" within the area 37. Furthermore, with respect to Takahashi's boxes 38, Takahashi makes no disclosure that the boxes are selectable by a user to select a programme classification code. Also, while an object representing a keyword assigned to a scene is displayed in area 39, Takahashi makes no disclosure that the object is selectable by a user to select a programme classification code. Accordingly, neither the "X" symbols in area 37, the boxes 38, nor the object in area 39 are symbols, where each symbol represents a class of

programme elements, in the language of claim 25. Thus, claim 25 is believed to have been patentably distinguished over the Takahashi reference.

However, for purposes of expediting the prosecution of the present application, claim 25 is further amended herein, to yet further distinguish the claim over the Takahashi reference. In particular, claim 25 is amended to recite that "each programme element is classified to at least one class separately from other programme elements allocated to the same at least one class."

According to examples described in the present application, each program element (for example, but not limited to, each forward pass scene from a football game) is classified and stored, independently of other program elements (other forward pass scenes) that may be classified in the same class. In contrast, in Takahashi et al.'s system, a motion image is split into scenes. Takahashi et al. stores an entire scene, such that all of the frames of a given scene are stored together and classified as one scene, for retrieval of the whole scene.

Takahashi neither describes nor suggests separately classifying programme elements within a same class. Takahashi's scenes could not be considered such "programme elements," because Takahashi does not classify scenes in the same class or classes as other scenes. Instead, in Takahashi, each scene is in its own class. Also, the frames of Takahashi's scenes could not be considered such "programme elements," because each frame of each scene is stored together with (not separately from) other frames in the scene.

Therefore, it is respectfully submitted that independent claim 25 (formerly numbered claim 23) is patentably distinguished over Takahashi. At least for reasons as described above for independent claim 25, it is also submitted that dependent claims 26 and 28-43 (formerly numbered claims 24 and 26-41, respectively) are patentably distinguished from the Takahashi patent.

For similar reasons, it is respectfully submitted that each of independent claims 45 and 46 (formerly numbered claims 43 and 44, respectively) are patentably distinguished over the Takahashi patent. Also, it is noted that each of those claims is amended herein to recite that a programme element is allocated to at least one class separately from other programme elements allocated to the same at least one class, similar to the manner in which claim 25 is amended.

Independent claims 27 and 44 (formerly numbered claims 25 and 42, respectively) each recite further features that are neither described nor suggested by the Takahashi patent. For example, claims 27 and 44 each recite a method in which programme elements are classified based on content and each programme element is stored with at least one associated programme element classification code. Claim 27 recites that "each program element is classified by reference to a subjective assessment of a value within a range of relative values extending from a low, value to a high value." Claim 44 recites that "each classification code represents a subjective indication of the value of programme elements in the class associated with the classification code." Claim 44 further recites "receiving user input corresponding to user-selected classification codes above a threshold value." Takahashi neither describe nor suggest such methods, involving classification codes that represent a subjective indication of the value of programme elements in the associated class. Instead, Takahashi refers to scene change degree C and upper and lower limits that relate to probability of a scene change.

In particular, the Examiner states that Takahashi applies plural different segment dividers on the basis of a degree of content theme change within upper and lower thresholds (citing col. 10, ll. 49-57 of Takahashi). However, Takahashi's process is concerned with determining dividing points for dividing a programme into scenes not with applying classification codes representing subjective indications of values of programme elements.

Takahashi describes a "scene change detection unit 11" that "outputs a control signal to the LD player 17 to sequentially capture the image data of consecutive frames, detect scene change points, and calculate scene change probabilities." (Takahashi, col. 7, ll. 45-48.) The process for calculating the probability of a scene change is describe in the section of Takahashi cited by the Examiner (i.e., col. 10, ll. 49-57). As described in that section of the Takahahi patent, the probability is not a subjective indication of the value of a programme element. Instead, it is a calculation of the likelihood that a scene dividing point has occurred. The calculation is performed by the "scene change detection unit 11," based on a previously input upper limit CH and lower limit CL which were set from previously determined failure or error rates in detecting a scene change. Those limits are compared with Takahashi's scene change degree C, which is "[t]he value obtained by normalizing the difference of the maximum and minimum calculated in step (9) for the starting frame of the dissolve." (Takahashi, col. 10, ll. 44-47.)

The scene change degree C does not represent a subjective indication of the value of programme elements. Instead, it is a calculated value indicating a possible scene change, calculated from normalizing the difference of a local maximum/minimum with a previously detected local minimum/maximum. (See step 9 at Takahashi, col. 10, ll. 7-12.) For similar reasons, Takahashi's the upper and lower limits are not thresholds for a subjective indication of the value of programme elements. Instead, they are upper and lower limits of failure or error rates in detecting scene changes.

Accordingly, it is respectfully submitted that Takahashi neither describes nor suggests the claimed methods involving classification codes that represent a subjective indication or assessment of the value of programme elements in the associated class. Furthermore, there is nothing in Takahashi to teach or suggest receiving user input corresponding to classification codes above a particular threshold value. Therefore, it is submitted that each of claims 27 and 44 (formerly numbered claim 25 and 42, resepectively) is patentably distinguished from Takahashi.

Claims 40 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. in view of Klosterman. At least for reasons as discussed above with respect to independent parent claim 25 (formerly numbered claim 23), it is submitted that claims 40 and 41 are patentably distinguished over the cited references. In particular, the Klosterman reference does not address the above-noted distinctions between the claimed invention and the Takahashi et al. reference. Accordingly, the combination of Takahashi et al. and Klosterman (as suggested by the Examiner) would not result in the presently claimed invention.

Applicant notes with appreciation the Examiner's indication that claims 38 and 39 appear allowable over the prior art of record. Those claims (formerly numbered 36 and 37, respectively), are, therefore, presented herein in independent format for allowance.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance. Re-examination and reconsideration of the application, as amended, as expedited allowance of the application is requested.

If, for any reason, the Examiner believes the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney at the Los Angeles telephone number (310) 975-7963, to discuss any steps that may be needed to place the application in condition for allowance.

Respectfully submitted,

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